

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PETER T. COCKCROFT,  
Plaintiff,

No. C 05-1080 MHP (pr)

**ORDER**

v.

RICHARD KIRKLAND; et al.,  
Defendants.

Pursuant to stipulation of the parties, on April 16, 2008, the court referred this action to the Pro Se Mediation Program conducted by Magistrate Judge Vadas. This order addresses several miscellaneous matters related to that referral.

First, the parties stipulated to have the action "referred to Magistrate Judge Vadas and the Pro Se Mediation Program to explore settlement in this case." Mediation and settlement are not exactly the same thing. The Pro Se Mediation Program is for mediation of cases in which the plaintiff is an unrepresented prisoner. This order clarifies that the referral is for mediation purposes.

Second, the mediation proceedings will take place within 60 days of the date of this order. Magistrate Judge Vadas will coordinate a time and date for a mediation proceeding with all interested parties and/or their representatives and, within 10 days after the conclusion of the mediation proceedings, file with the court a report for the prisoner mediation proceedings.

1 Third, before the parties stipulated to a referral to the Pro Se Mediation Program, the  
2 court had referred this action to the Federal Pro Bono Project for appointment of counsel.  
3 The first law firm contacted declined to represent plaintiff. In light of that firm's declination,  
4 the limited number of volunteer lawyers available, and the parties' interest in mediation,  
5 efforts to find another lawyer possibly interested in representing plaintiff will be put on hold  
6 pending the outcome of the mediation efforts. That is, the mediation will occur with plaintiff  
7 representing himself.

8 Fourth, plaintiff's "ex parte motion for notice regarding submitted matters" is  
9 DISMISSED as moot. (Docket # 69.) The pending motions already had been ruled upon in  
10 the court's March 10, 2008 order.

11 Fifth, the referral of the action to the Pro Se Mediation Program requires that certain  
12 documents be sent to Magistrate Judge Vadas to assist him in understanding the parties'  
13 dispute. The clerk shall send to Magistrate Judge Vadas in Eureka, California, a copy of the  
14 documents at docket # 1 (the complaint), # 9 (the July 27, 2005 order), # 10 (the first  
15 amended complaint), # 19 (the January 24, 2006 order), # 44 (the June 27, 2006 order), # 53  
16 (the March 13, 2007 order), # 55 (defendants' motion to dismiss), # 56 (the Wilber  
17 declaration), # 60 (plaintiff's opposition to the motion to dismiss), # 65 (defendants' reply in  
18 support of the motion to dismiss), and # 67 and # 68 (the March 10, 2008 orders).

19 IT IS SO ORDERED.

20 Dated: April 18, 2008

  
Marilyn Hall Patel  
United States District Judge